

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
TRAYTON BALLOT,
Defendant.

| NO. CR25-00012-JHC

DISCOVERY PROTECTIVE ORDER

TRAYTON BALLOT,

Defendant.

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, Dkt. # 25, and the Court, having considered the motion, and being fully advised in this matter, pursuant to Fed. R. Crim P. 16(d)(1), hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, “Protected Materials” shall include documents containing sensitive personal identifying information of the victim and other passengers that were sitting near the defendant and the victim during the alleged incident, including full names, dates of birth, addresses, telephone numbers, emails, IP addresses, known traveler numbers, and/or credit card information; photographs, video, or audio recordings of the minor victim; and details of alleged conduct involving a minor victim not charged in this case.

1 2. **Designation of Protected Material.** The Protected Material shall be
2 designated by the government, on the material itself, in a placeholder if the electronic file
3 cannot be marked (as is the case with certain native files), or on a physical label affixed to
4 a disk or other media, using the following designation “PROTECTED MATERIAL.” The
5 failure to designate any materials as Protected shall not constitute a waiver of a party’s
6 assertion that the materials are covered by this Protective Order. If material is later found
7 to be covered by this Protective Order, the government will re-produce a properly
8 designated copy of the material.

9 3. **Production of Protected Material to the Defense.** The United States will
10 make available copies of the Protected Materials, including those filed under seal directly
11 to defense counsel to comply with the government’s discovery obligations, and/or to a
12 Coordinating Discovery Attorney, should one be appointed. Possession of copies of
13 Protected Material is limited to attorneys of record, their office staff, investigators,
14 paralegals, assistants, and law clerks, as well as necessary third-party vendors, consultants,
15 and/or experts (hereinafter collectively referred to as “members of the defense team”). At
16 all times, third-parties shall be subject to the terms of this order. Further, the attorneys of
17 record are required to make available, prior to disseminating any copies of the Protected or
18 Sensitive Materials to members of the defense team, a copy of this Protective Order to
19 members of the defense team.

20 4. **Restrictions on use with Artificial Intelligence Tools.** The Protected
21 Material shall not be loaded into an artificial intelligence (AI) tool or model, generative or
22 not, where rights to the data are retained by any party that has not explicitly agreed to be
23 covered by the protective order.

24 5. **Review of Protected Material by Defendant.** The attorney(s) of record and
25 members of the defense team may share and review the Protected Material with Defendant.
26 If Defendant is in custody at the Federal Detention Center (FDC), he/she will be permitted
27 to review the Protected Material, consistent with the regulations established by the BOP,

1 with or without counsel, in a controlled environment at the Federal Detention Center
2 (FDC), but will be prohibited from printing out, copying, disseminating, or otherwise
3 retaining the discovery. If Defendant is on pretrial release, he/she will be permitted to
4 review the Protected Material at the offices of his/her counsel, but will be prohibited from
5 printing out, copying, or disseminating the discovery.

6 **6. Limits on Dissemination of Protected Materials.** The attorney(s) of record
7 and members of the defense team acknowledge that providing copies of the Protected
8 Material to Defendant and other persons is prohibited and agree not to duplicate or provide
9 copies of the Protected Material to Defendant and other persons. Members of the defense
10 team, defendants, and any others to whom disclosure of the content of Protected Material
11 may be necessary to assist with the preparation of the defense, shall not disclose the
12 Protected Material or its contents, other than as necessary for the preparation of defenses
13 at trial and in subsequent legal proceedings, if necessary. This order does not limit
14 employees of the United States Attorney's Office for the Western District of Washington
15 from disclosing the Protected Material to members of the United States Attorney's Office,
16 law enforcement agencies, witnesses, and the Court and defense as necessary to comply
17 with the government's discovery obligations.

18 **7. Future Production of Additional Protected Materials.** Additional types of
19 discovery items may be deemed by the parties to constitute Protected Material upon
20 agreement, or (if no agreement can be reached) by further order of the Court.

21 **8. No Waiver.** Nothing in this order should be construed as imposing any
22 substantive discovery obligations on the government that are different from those imposed
23 by case law and Rule 16 of the Federal Rules of Criminal Procedure.

24 **9. Use of Protected Material in Court.** Any Protected or Sensitive Material
25 that is filed with the Court in connection with pre-trial motions, trial, or other matter before
26 this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this
27 Court. This does not entitle either party to seal their filings as a matter of course. The parties

1 are required to comply in all respects with the relevant local and federal rules of criminal
2 procedure pertaining to the sealing of court documents. If the Protected Material to be filed
3 with the Court was designated as Protected solely because it contains personal-identifying
4 information, it may be filed publicly, provided it has been redacted in compliance with
5 Federal Rule of Criminal Procedure 49.1 and Local Criminal Rule 49.1.

6 10. **Non-Termination.** The provisions of this Order shall not terminate at the
7 conclusion of this prosecution. Furthermore, after any judgment or disposition has become
8 final and there are no pending proceedings, challenges, appeals, or habeas motions in the
9 case, defense counsel shall destroy the Protected Materials. If defense counsel finds that
10 retention of the Protected Materials in their possession is necessary for authorized reasons,
11 such as professional or ethical obligations, defense counsel shall retain the Protected
12 Materials in their case file subject to the restrictions of this Order.

13 11. **Violation of Order.** Any person who willfully violates this order may be
14 held in contempt of court and may be subject to monetary or other sanctions as deemed
15 appropriate by this Court.

16 12. **Modification of Order.** Nothing in this Stipulation shall prevent any party
17 from seeking modification of this Protective Order or from objecting to discovery that it
18 believes to be otherwise improper. The parties agree that in the event that compliance with
19 this Order makes it difficult for defense counsel to adhere to their Sixth Amendment
20 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall
21 bring any concerns about the terms of the Order to the attention of the government. The
22 parties shall then meet and confer with the intention of finding a mutually acceptable
23 solution. In the event that the parties cannot reach such a solution, defense counsel shall
24 have the right to bring any concerns about the scope or terms of the Order to the attention
25 of the Court by way of a motion.

26 13. **No Ruling on Discoverability or Admissibility.** This Protective Order does
27 not constitute a ruling on the question of whether any particular material is properly

1 discoverable or admissible and does not constitute any ruling on any potential objection to
2 the discoverability of any material.

3 **14. No Ruling on Timing of Production.** This Protective Order does not require
4 the Government to provide particular discovery at a time or in a fashion inconsistent with
5 applicable law.

6 **15. Addition of Defendants after Entry of Order.** This Protective Order will
7 cover additional Defendants in this case so long as they agree to be bound by the terms of
8 this Protective Order and so indicate that consent by the execution of a supplemental
9 stipulation, which shall be filed as an addendum or supplement to this Protective Order.

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11 The Clerk of the Court is directed to provide a filed copy of this Protective Order to
12 all counsel of record.

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14 DATED this 6th day of February, 2025.

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16 
17 JOHN H. CHUN
18 UNITED STATES DISTRICT COURT JUDGE